



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during November 2013
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This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Air:

Draco, Inc. d/b/a Yankee Ford Sales, South Portland, Maine. Draco, Inc. d/b/a Yankee Ford Sales (“Yankee Ford Sales”) violated the Department’s *New Motor Vehicle Emission Standards* rule by selling a vehicle that did not meet the required emission standard. To resolve the violation, Yankee Ford Sales paid \$2,160 as a civil monetary penalty.

Northern Maine Paving, Inc., Van Buren, Maine. Northern Maine Paving, Inc. (“Northern Maine Paving”) violated the terms of its Department-issued air emission license by not having maintenance logs for the facility’s Asphalt Plant #2 baghouse, exceeding emission limits for opacity from Asphalt Plant #2, and not performing an initial performance test on Asphalt Plant #2. To resolve the violations, Northern Maine Paving paid \$875 as a civil monetary penalty.

Land:

John H. Pearson, Jr., Wells, Maine. John H. Pearson, Jr. (“Pearson”) violated Maine’s *Natural Resources Protection Act* by: failing to follow plans submitted to and approved by the Department for the construction of a gravel road and driveway in a freshwater wetland; removing, or causing to be removed, vegetation from a freshwater wetland without a permit; and placing, or causing to be placed, fill material in a freshwater wetland without a permit. Pearson also violated Maine’s *Erosion and Sedimentation Control* law by conducting an activity that involves filling, displacing, or exposing soil or other earthen materials without taking measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. Inspections by Department staff revealed that the wetland was altered in excess of the amount authorized in the Department permit. At the time of the Department’s inspections, no erosion control measures were installed adjacent to a portion of an unauthorized fill area. Subsequent to Department involvement, Pearson removed a portion of the unauthorized wetland fill and submitted a restoration plan to the Department to completely restore the altered wetland. The plan was approved by the Department. To resolve the violations, Pearson agreed to implement the approved restoration plan and paid \$2,153 as a civil monetary penalty.

Oil:

Cumberland Farms, Inc., Auburn, Maine. Cumberland Farms, Inc. (“CFI”) violated Maine’s *Oil Storage Facilities and Ground Water Protection* law and the Department’s *Rules for Underground Oil Storage Facilities* by causing the installation of two underground storage tanks at a petroleum retail facility without registering the tanks with the Department at least ten business days prior to installation as required by the statute and rule. To resolve the violations, CFI paid \$5,000 as a civil monetary penalty.